IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4597 OF 2003

Shri.Biru Appa Bhanse .. Petitioner
V/s
Special Land Acquisition Officer No.6,
Kolhapur & Ors. .. Respondents

Mr.C.G.Gavnekar for the Petitioner.
Mr.C.R.Sonawane, AGP for Respondent Nos.1 to 3.
Mr.A.B.Borkar for Respondent No.4.

CORAM : B.H.MARLAPALLE & NARESH H.PATIL,JJ.
DATE : 18th October, 2006.

P.C.:

1. We have perused the affidavit in reply filed by the Special Land Acquisition Oficer and it is stated that pursuant to the order passed by this Court on 23.4.1999 in Writ Petition No.2896 of 1998, three of the claimants have already been paid the amount of compensation, and one of them could not receive the amount and therefore the same has been deposited with the Treasury.

2. We have also noted that the petitioner's brother and sisters have instituted Special Civil Suit No.35 of 2000 claiming their shares in the compensation amount and the petitioner is impleaded as Defendant No.6. In case the petitioner has not yet received the compensation amount and if the same has been deposited with the Treasury, the appropriation of the said amount will be definitely as per the final decree that will be passed in the pending suit.

3. By on order dated 8.9.2006 we have directed that the Special Civil Suit No.35 of 2000 be heard and decided by 31st March, 2007. We therefore direct the Special Land Acquisition Officer that in case the money deposited

with the Treasury happens to be the share of the petitioner by way of compensation for the land acquired, the same amount shall be transferred to the Court before whom the Special Civil Suit No.35 of 2000 is pending, and the Court shall disburse the amount as per the final decree that will be passed in the said suit.

4. Petition is disposed off in terms of the above directions.

(NARESH H.PATIL,J.) **(B.H.MARLAPALLE, J.)**